

The Honorable Marsha Pechman

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

ERIC PAQUIET, an individual,

Plaintiff,

vs.

ACE American Insurance Company, a
corporation domiciled in Pennsylvania
conducting business within the State of
Washington,

Defendant.

No. C07-00045 MJP

STIPULATION AND PROPOSED
ORDER OF DISMISSAL

RECITALS

On May 17, 2007 the court entered an Order Staying this case until the conclusion of the matter of Pierre Billaut by and Through his Guardian Ad Litem, Pierre Chartain v. Miller et al in the Superior Court of San Luis Obispo County, California. A copy of the Court's Order is attached as *Exhibit "A"*.

The settlement agreement between Mr. Paquet, ACE American Insurance Company and Mr. Billaut provides that the instant case will not be formally dismissed until the minor's settlement is approved by the San Luis Obispo Court.

1 On July 3, 2007 the Superior Court of San Luis Obispo County, California approved the
2 Petition for Minor's Compromise in the matter of Pierre Billaut by and Through his Guardian Ad
3 Liteam, Pierre Chartain v. Miller et al. The approval of the minor's compromise concluded the
4 matter. A copy of the San Luis Obispo Court's Order is attached as ***Exhibit "B"***.
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STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiff Eric Paquet and Defendant ACE American Insurance Company, through their designated counsel, that this case shall be dismissed with prejudice and without costs to either side.

IT IS SO STIPULATED.

DATED this 10th day of July, 2007.

Respectfully Submitted

MYERS & COMPANY, P.L.L.C.

Attorneys for Plaintiff

By: /s/ Michael David Myers
Michael David Myers
WSBA No. 22486
1809 Seventh Avenue, Suite 700
Seattle, Washington 98101
Telephone: (206) 398-1188
Facsimile: (206) 398-1189
E-mail: mmyers@myers-company.com

DATED this 10th day of July, 2007.

Respectfully Submitted

COZEN O'CONNOR

Attorneys for Defendant

By: /s/ Robert Meyers (via written authorization)
Robert A. Meyers
WSBA No. 24846
1201 Third Avenue, Suite 5200
Seattle, Washington 98121
Telephone (206) 340-1000
Facsimile: (206) 621-8783
E-mail: RMeyers@cozen.com

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, this matter shall be dismissed
with prejudice and without costs to either side.

DATED this _____ day of July, 2007.

THE HONORABLE MARSHA J. PECHMAN
JUDGE, UNITED STATES DISTRICT COURT

EXHIBIT “A”

1 FILED
2 LODGED ENTERED
RECEIVED

3 MAY 17 2007

4 AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY



07-CV-00045-ORD

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ERIC PAQUIET,

Plaintiff,

10 v.

11 ACE American Insurance Company,

12 Defendant.

No. C07-45P

ORDER STAYING CASE

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14 The Court has received a stipulation and proposed order in which the parties ask the Court
15 stay this case pending approval of a settlement agreement in another matter. Having reviewed the
16 parties' stipulation, the Court finds and ORDERS as follows:

17 (1) For good cause shown, the Court STAYS this matter pending the conclusion of the
18 matter of Pierre Billaut by and Through his Guardian Ad Litem Pierre Chartain v. Miller et al. in the
19 Superior Court of San Luis Obispo County, California.

20 (2) All pending deadlines in this matter are VACATED.

21 (3) While this matter is stayed, the parties are directed to submit a joint status report to the
22 Court every sixty (60) days, with the first report due on July 16, 2007. The joint status reports shall
23 inform the Court of the status of the Billaut case in California. Failure to comply with the
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1 requirement of filing a joint status report every sixty days while the stay is in place may result in the
2 imposition of sanctions, including the dismissal of this action without prejudice.

3 (4) The clerk is directed to send copies of this order to all counsel of record.

4 Dated: May 17, 2007.

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7 Marsha J. Pechman
United States District Judge
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EXHIBIT “B”

MC-351

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael D. Daniels, A Professional Corporation (State Bar # 47341) T0940 Wilshire Boulevard, 18th Floor Los Angeles CA 90024		FOR COURT USE ONLY FILED JUL 03 2007 SAN LUIS OBISPO SUPERIOR COURT BY <u><i>Sally Schott</i></u> Sally Schott, Deputy Clerk
TELEPHONE NO.: 310-445-9707	FAX NO. (Optional): 310-445-9708	
G-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff, Pierre Billaut by & through Gaurdian Pierre Chartrain		PR 070196 HEARING DATE: <u>JULY 3, 2007</u> DEPT. <u>2</u>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Luis Obispo STREET ADDRESS: 1035 Palm Street #385 MAILING ADDRESS: CITY AND ZIP CODE: San Luis Obispo CA 93408 BRANCH NAME: Courthouse Annex		
CASE NAME: BILLAUT v. MILLER, etc., et. al		
ORDER APPROVING: <input checked="" type="checkbox"/> COMPROMISE OF DISPUTED CLAIM <input type="checkbox"/> COMPROMISE OF PENDING ACTION <input type="checkbox"/> DISPOSITION OF PROCEEDS OF JUDGMENT <input checked="" type="checkbox"/> Minor <input type="checkbox"/> Adult Person With A Disability		

1. **Petitioner (name):** Pierre Chartrain has petitioned for court approval of a proposed compromise of a disputed claim of a minor or a pending action involving a minor or an adult person with a disability, or a proposed disposition of the proceeds of a judgment for a minor or an adult person with a disability.

2. **Hearing**

Date: Time: Dept.: Judicial officer:

MYERS & COMPANY, P.L.L.C.
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3. **Relationship to claimant**

Petitioner is claimant's (check all applicable boxes):

- a. ☐ Parent
 b. ☒ Guardian ad litem
 c. ☐ Guardian
 d. ☐ Conservator
 e. ☐ Other (specify):

BY _____

4. **Claimant (name):** Pierre Billaut

- a. ☒ is a minor.
 b. ☐ is an adult "person with a disability" within the meaning of Probate Code section 3603.

5. **Defendant**

The claim or action to be compromised is asserted, or the judgment is entered, against (name of settling or judgment defendant or defendants (the "payer")): Robyn Miller, Keith Miller, Eric Paquiel, Michael Young, Ace Insurance Company

6. **THE COURT FINDS** that all notices required by law have been given.

7. **THE COURT ORDERS**

a. The petition is granted and the proposed compromise of claim or action or the proposed disposition of the proceeds of the judgment is approved. The gross amount or value of the settlement or judgment in favor of claimant is \$ 1,043,500.00

b. The payer shall disburse the proceeds of the settlement or judgment approved by this order in the following manner:

(1) **Payment of fees and expenses**

Fees and expenses shall be paid by one or more checks or drafts, drawn payable to the order of the petitioner and the petitioner's attorney, if any, or directly to third parties entitled to receive payment identified in this order for the following items of expense or damage, which are hereby authorized to be paid out of the proceeds of the settlement or judgment:

- (a) ☒ Attorney fees in the total amount of: \$ 258,940.00 payable to (specify): **Michael D. Daniels, A Professional Corporation**

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CASE NAME: BILLAUT v. MILLER, etc. et. al.	CASE NUMBER: PR 070196
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7. b. (1) (b) ☒ Reimbursement for medical and all other expenses paid by the petitioner or the petitioner's attorney in the total amount of: \$ 7,740.00

(c) ☒ Medical, hospital, ambulance, nursing, and other like expenses payable to providers as follows, in the total amount of: \$67,750.00

(i) Payee (name): Sierra Vista Hospital (c/o Central Financing Collection Agency)

(A) Address: Post Office Box 66044, Anaheim CA 92816-6044

(B) Amount: \$5,000.00

(ii) Payee (name): MACIF (l'Assurance Interneu Helies)

(A) Address: c/o Lombardi, Loper & Conant, attn: James Eliassen
1999 Harrison Street, #2600, Oakland CA 94621-3541

(B) Amount: \$25,000

☐ Continued on Attachment 7b(1)(c). (Provide information about additional payees in the above format.)

(d) ☐ Other authorized disbursements payable directly to third parties in the total amount of: \$
(Describe and state the amount of each item, and provide the name and address of each payee):

☐ Continued on Attachment 7b(1)(d).

(e) ☐ Total allowance for fees and expenses from the settlement or judgment:

\$ 334,430.00

(2) Balance

The balance of the settlement or judgment available for claimant after payment of all allowed fees and expenses is:

The balance shall be disbursed as follows:

(a) ☒ By one or more checks or drafts in the total amount of (specify): \$ 708,312.50

drawn payable to the order of the petitioner as trustee for the claimant. Each such check or draft must bear an endorsement on the face or reverse that it is for deposit in one or more interest-bearing, federally insured accounts in the name of the petitioner as trustee for the claimant, and no withdrawals may be made from the accounts except as provided in the Order to Deposit Money Into Blocked Account, which is signed contemporaneously with this order ("blocked account").

(b) ☒ By the following method(s) (describe each method, including the amount to be disbursed):
The entire settlement funds shall be made payable to Michael D. Daniels, A Professional Corporation, trust account, and from the trust account disbursement shall be made as stated in #7(b) of this order.

☐ Continued on Attachment 7b(2)(b).

(c) ☐ If money is to be paid to a special needs trust under Probate Code section 3604, all statutory liens in favor of the state Department of Health Services, the state Department of Mental Health, the state Department of Developmental Services, and any city and county in California must first be satisfied by the following method (specify):

☐ Continued on Attachment 7b(2)(c).

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7. b. (1) (b) ☐ Reimbursement for medical and all other expenses paid by the petitioner or the petitioner's attorney in the total amount of: \$
- (c) ☒ Medical, hospital, ambulance, nursing, and other like expenses payable to providers as follows, in the total amount of: \$
- (i) Payee (name): French Social Security (l'Assurance Malades)
(A) Address: 9 rue Gaetan-Rondeau, 4495 Nates, Cedex 9 France
(B) Amount: \$37,000.00
- (ii) Payee (name):
(A) Address:
(B) Amount: \$
- ☐ Continued on Attachment 7b(1)(c). (Provide information about additional payees in the above format.)
- (d) ☒ Other authorized disbursements payable to third parties in the total amount of: \$750.00
(Describe and state the amount of each item, and provide the name and address of each payee):
Marie-Christine Halpern, Avocat
12, rue du Val de Grace, 75005 Paris, France
- ☐ Continued on Attachment 7b(1)(d).
- (e) ☐ Total allowance for fees and expenses from the settlement or judgment: \$ 334,430.00
- (2) Balance
The balance of the settlement or judgment available for claimant after payment of all allowed fees and expenses is: \$ ~~700,070.00~~
The balance shall be disbursed as follows: \$ 708,312.50
- (a) ☐ By one or more checks or drafts in the total amount of (specify): \$
drawn payable to the order of the petitioner as trustee for the claimant. Each such check or draft must bear an endorsement on the face or reverse that it is for deposit in one or more interest-bearing, federally insured accounts in the name of the petitioner as trustee for the claimant, and no withdrawals may be made from the accounts except as provided in the Order to Deposit Money Into Blocked Account, which is signed contemporaneously with this order ("blocked account").
- (b) ☐ By the following method(s) (describe each method, including the amount to be disbursed):
- ☐ Continued on Attachment 7b(2)(b).
- (c) ☐ If money is to be paid to a special needs trust under Probate Code section 3604, all statutory liens in favor of the state Department of Health Services, the state Department of Mental Health, the state Department of Developmental Services, and any city and county in California must first be satisfied by the following method (specify):

☐ Continued on Attachment 7b(2)(c).

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PR070196

7. The following parties and their insurance companies or counsel holding settlement funds may make payments to "Pierre Chartrain as Guardian for Pierre Billaut and Michael D. Daniels, A Professional Corporation, their attorney". Payments are to be made by the following insurance carriers as follows:

Allied Insurance Company (Robyn Miller)	\$	420,000.00
Geico Insurance Company (Michael Young)	\$	422,500.00
Safeco Insurance (Eric Paquet)	\$	100,000.00
Safeco Insurance Company (Eric Paquet)	\$	41,000.00
Ace Insurance Company (Alamo Rent a Car)	\$	<u>60,000.00</u>
TOTAL TO BE PAID:	\$	1,043,500.00

Attorney Michael D. Daniels may sign the name of Pierre Chartrain and/or Pierre Billaut to the back of the settlement checks, deposit the funds in the attorney trust account and make disbursements pursuant to this court order.

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CASE NAME: BILLAUT v. MILLER, etc., et. al.	CASE NUMBER: PR 070196
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8. ☒ Further orders of the court concerning blocked accounts

The court makes the following additional orders concerning any part of the balance ordered to be deposited in a blocked account under item 7b(2)(a):

- a. Within 48 hours of receipt of a check or draft described in item 7b(2)(a), the petitioner and the petitioner's attorney, if any, must deposit the check or draft in the petitioner's name as trustee for the claimant in one or more blocked accounts at (specify name, branch, and address of each depository, and the amount of each account):
Union Bank of California, 10900 Wilshire Boulevard, Los Angeles CA 90024

☐ Continued on Attachment 8a.

- b. The petitioner and the petitioner's attorney, if any, must deliver to each depository at the time of deposit three copies of the Order to Deposit Money Into Blocked Account, which is signed contemporaneously with this order, and three copies of the Receipt and Acknowledgment of Order to Deposit Money Into Blocked Account ("receipt"). The petitioner or the petitioner's attorney must file a copy of the receipt with this court within 15 days of the deposit. The sole responsibilities of the petitioner and the petitioner's attorney, if any, are to place the balance in a blocked account or accounts and to timely file a copy of the receipt.

- c. The balance of the proceeds of settlement or judgment deposited in a blocked account or accounts under item 7b(2)(a) may be withdrawn only as follows (check (1) or (2)):

(1) ☐ No withdrawals of principal or interest may be made from the blocked account or accounts without a further written order under this case name and number, signed by a judge, and bearing the seal of this court. The money on deposit is not subject to escheat.

(2) ☒ The blocked account or accounts belong to a minor. The minor was born on (date): August 13, 1992
No withdrawals of principal or interest may be made from the blocked account or accounts without a further written order under this case name and number, signed by a judicial officer, and bearing the seal of this court, until the minor attains the age of 18 years. When the minor attains the age of 18 years, the depository, without further order of this court, is authorized and directed to pay by check or draft directly to the former minor, upon proper demand, all moneys including interest deposited under this order. The money on deposit is not subject to escheat.

9. ☒ Authorization to execute settlement documents

The petitioner is authorized to execute settlement documents as follows (check only one):

- a. ☐ Upon receipt of the full amount of the settlement sum approved by this order and the deposit of funds, the petitioner is authorized and directed to execute and deliver to the payer a full, complete, and final release and discharge of any and all claims and demands of the claimant by reason of the accident or incident described in the petition and the resultant injuries to the claimant and a properly executed dismissal with prejudice.
- b. ☒ The petitioner is authorized and directed to execute any and all documents reasonably necessary to carry out the terms of the settlement.
- c. ☐ The petitioner is authorized and directed (specify):

☐ Continued on Attachment 9c.

10. Bond is ☐ ordered and fixed in the amount of: \$

☐ not required.

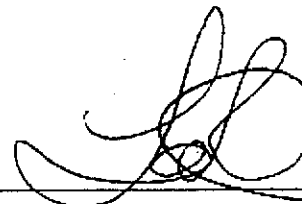
11. A copy of this order shall be served on the payer forthwith.

12. ☐ Additional orders

The court makes the following additional orders (specify):

☐ Continued on Attachment 12.

Date: 7-3-07



JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT